

Notice of Allowability

Application No.

10/645,832

Examiner

Erica E. Cadugan

Applicant(s)

SAWYER ET AL.

Art Unit

3722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 12/15/2005 and interview of 2/28/2006.
2. ☒ The allowed claim(s) is/are 1-3,5 and 15-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Pierre C. Van Rysselberghe on February 28, 2006.

3. The application has been amended as follows:

On page 1, the paragraph beginning on line 7 has been replaced with the following paragraph:

This application incorporates by reference in its entirety the following U.S. patent applications and patents: U.S. Patent Application Serial No. 09/578,806 filed May 24, 2000 entitled "Automated Fence Control Coupling System," now abandoned; U.S. Patent Application Serial No. 09/861,231 filed May 17, 2001 entitled "System and Method of Marking Materials for Automated Processing," now U.S. Pat. No. 6,631,006; U.S. Patent Application Serial No. 10/104,492 filed Mar. 22, 2002 entitled "Automated Fence Control Coupling System," now abandoned; U.S. Provisional Patent Application Serial No. 60/405,068 filed Aug. 20, 2002 entitled "Process Management System and Method"; and U.S. Pat. Nos. 4,913,307; 2,315,458; 2,731,989; 2,740,437; 2,852,049; 3,994,484; 4,111,088; 4,434,693; 4,658,687; 4,791,757; 4,805,505; 4,901,992; 5,251,142; 5,443,554; 5,444,635; 5,460,070; 5,524,514; and 6,216,574.

Claim 1 (Currently Amended). An apparatus for processing material into multiple workpiece portions comprising

Art Unit: 3722

a linear processing path,
a cutting machine positioned along the processing path,
a drilling machine positioned along the processing path,
a pusher, positioned along the processing path, between the ~~[first]~~ cutting and ~~[second]~~ drilling machines, and operable to feed material in opposite directions, alternately, toward the ~~[first]~~ cutting and ~~[second]~~ drilling machines, and
at least one digital controller programmed to operate movement of the pusher along the processing path.

Non-elected claims 7-12 have been canceled.

Claim 13 has been canceled.

Claim 14 has been canceled.

Claim 15 (Currently Amended). The apparatus of claim 1, wherein the cutting machine is designed for performing sawing or cutting, and the drilling machine ~~[are]~~ is designed for ~~[any of the following:]~~ performing cutting, boring, ~~[punching, routing, mortising, sanding,] or~~ drilling~~[, shearing, stamping, bending, or tenoning]~~.

4. The following is an examiner's statement of reasons for allowance:

Both U.S. Pat. No.'s 6,640,855 to Giles and 4,694,871 to Jenkner were discussed in the previous office action mailed June 10, 2005. Re Giles, suffice it to say, even assuming arguendo that the mover 50 can properly be considered a "pusher" as claimed, Giles does not teach that the mover 50 is "between" the cutting 52 and/or 54 and drilling 56 machines, and "operable to feed material in opposite directions, alternately, toward the cutting and drilling machines" as set forth in independent claim 1.

Art Unit: 3722

Also, there is no combinable teaching in the prior art of record that would reasonably motivate one having ordinary skill in the art to so modify the teachings of Giles, and thus, for at least the foregoing reasoning, Giles does not render obvious the present invention as set forth in independent claim 1.

Re Jenkner, suffice it to say, note that even though the pusher 12 can be moved in opposite directions (in the left and right direction as viewed in Figure 1), the pusher is not “operable to feed material in opposite directions alternately, toward the cutting and drilling machines” as set forth in claim 1. Note that the cutting machine is located at 22 and the drilling device at 50 (see Figure 1), and that moving the pusher 12 in the opposite left/right directions of Figure 1, alternately, would not serve to feed material toward the cutting and drilling machines, i.e., movement to the right would feed material to both of the machines, whereas “alternate” movement of the pusher in the “opposite” direction would be in the direction away from both the cutting and drilling machines.

Also, there is no combinable teaching in the prior art of record that would reasonably motivate one having ordinary skill in the art to so modify the teachings of Jenkner, and thus, for at least the foregoing reasoning, Jenkner does not render obvious the present invention as set forth in independent claim 1.

Additionally, U.S. Pat. No. 4,243,081 to Pritelli teaches an apparatus including a plurality of drilling tools 14 and cutter devices 7 (Figure 5, see also col. 14, lines 24-26) positioned along a processing path. Workpieces are fed along the path via belt conveyor 22 (see Figure 5, for example).

Art Unit: 3722

However, firstly, even assuming *arguendo* that the belt conveyor could somehow be considered a “pusher”, it is noted that there is no teaching of the conveyor being operated so as “to feed material in opposite directions, alternately, toward the cutting and drilling machines” as set forth in claim 1. Secondly, it is noted that it would appear to be counter to the teachings of the present specification, as well as what is known in the art, to consider the belt conveyor a pusher, noting, for example, that Applicant’s own specification differentiates between a pusher mechanism and other types of material feeding devices (see page 6, lines 14-18 and page 12, lines 4-8, for example).

Also, there is no combinable teaching in the prior art of record that would reasonably motivate one having ordinary skill in the art to replace the belt conveyor that apparently only runs in one direction as taught by Pritelli with a “pusher” that is “operable to feed material in opposite directions, alternately, toward the cutting and drilling machines” as set forth in independent claim 1, and thus, for at least the foregoing reasoning, Pritelli does not render obvious the present invention as set forth in independent claim 1.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

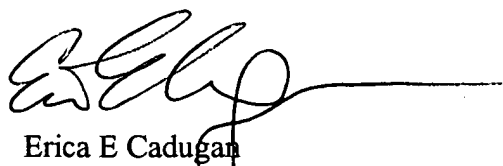
Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erica E. Cadugan whose telephone number is (571) 272-4474. The examiner can normally be reached on M-F, 6:30 a.m. to 4:00 p.m., alternate Fridays off.

Art Unit: 3722

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Erica E Cadugan
Primary Examiner
Art Unit 3722

February 28, 2006

eec